

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
AIKEN DIVISION

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|--|---|-------------------------------------|
| Sammie Louis Stokes, |) | Civil Action No.: 1:16-cv-00845-RBH |
| |) | |
| Petitioner, |) | |
| |) | |
| v. |) | ORDER |
| |) | |
| Bryan P. Stirling, <i>Director, South Carolina</i> |) | |
| <i>Department of Corrections; and Lydell</i> |) | |
| <i>Chestnut, Deputy Warden of Broad River</i> |) | |
| <i>Road Correctional Secure Facility,</i> |) | |
| |) | |
| Respondents. |) | |
| |) | |

This case is before the Court on remand from the United States Court of Appeals for the Fourth Circuit. *See Stokes v. Stirling*, 10 F.4th 236, 256 (4th Cir. 2021) (reversing and remanding “with instructions that the district court issue the writ of habeas corpus unless the State of South Carolina grants Stokes a new sentencing hearing within a reasonable time”). The Fourth Circuit issued the mandate on October 12, 2021, and that same day, the undersigned directed the parties to file a joint status report addressing what constitutes “a reasonable time” for the State’s grant of a new sentencing hearing. ECF Nos. 237 & 238. The parties have now filed the joint status report stating they “report a suggestion of one-year as a ‘reasonable time’ in this matter.”¹ ECF No. 239 at p. 1. The Court agrees one year is a reasonable time.

Accordingly, consistent with the Fourth Circuit’s mandate, the Court **ISSUES** Petitioner a writ of habeas corpus vacating his death sentence unless the State of South Carolina grants him a new

¹ The joint status report explains, “[J]uror panels have been difficult to handle in the [state judicial] circuit due to rather limited facilities and COVID precautions/concerns. Selecting a capital jury is likely to be even more difficult.” ECF No. 239 at p. 2.

The parties also submit that “Respondents’ application to recall and stay the mandate is still pending in the Supreme Court. The Chief Justice has called for a response to be filed not later than 4:00 pm next Tuesday, October 19, 2021. Respondents intend to file a petition for writ of certiorari on or before December 22, 2021.” *Id.*

sentencing hearing within one year (365 days) of the date of this Order. If the State of South Carolina has not commenced jury selection in the new sentencing hearing within 365 days (i.e., October 15, 2022), the State must sentence Petitioner to life imprisonment.

IT IS SO ORDERED.

Florence, South Carolina
October 15, 2021

s/ R. Bryan Harwell
R. Bryan Harwell
Chief United States District Judge